

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 12, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:03 a.m. Mayor Golding recessed the meeting at 11:19 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 11:21 a.m. with all members present. The meeting was recessed by Mayor Golding at 12:18 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with all Councilmembers present. Mayor Golding recessed the regular meeting at 2:50 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency to meet simultaneously with the Redevelopment Agency. Mayor Golding adjourned the meeting at 4:26 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

(8) Council Member Vargas-present
Clerk-Fishkin (pr/lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Roger Scott regarding the "hard core"
homeless and his feeling there are not enough shelters
available. Mr. Scott requested that the Council not
turn them away.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A017-041.)

ITEM-PC-2:

Comment by Marian Hughes regarding the food service lines for the homeless becoming larger and that more shelters will be needed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-061.)

ITEM-PC-3:

Comment by Forrest Curo regarding the need for a "legal" place for the homeless to sleep and that the food lines are increasing because of winter shelters closing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-073.)

ITEM-PC-4:

Comment by Alfred Weber thanking the Council for their efforts regarding the homeless, and his hopes that more efforts will be made to provide more shelters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A074-095.)

COUNCIL COMMENT:
NONE.

ITEM-31:

SUBJECT: Reuben H. Fleet Science Center Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1147) ADOPTED AS RESOLUTION R-290095
Commending the Reuben H. Fleet Science Center for 25
years of presenting quality science and technology
education and entertainment to the San Diego community;

Proclaiming May 16, 1998 to be "Reuben H. Fleet Science
Center Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-173.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by
the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: This is the public meeting regarding the annual
assessments for the Linda Vista Road Landscape
Maintenance District. Following public testimony at
today's meeting, Council will consider and may confirm
the proposed assessments.

(Linda Vista Community Area. Districts-5 & 6.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt
the following resolution:

(R-98-978) ADOPTED AS RESOLUTION R-290096

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Linda Vista Road
Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for the
Linda Vista Landscape Maintenance District (LMD). The district
was established in 1990 to provide maintenance for landscaping
improvements on the raised medians and parkway areas along each
side of Linda Vista Road within the public right-of-way.
Additional improvements include maintenance of street trees on
the southern side of Genesee Avenue from Linda Vista Road to
Highway 163. The Fiscal Year 1999 proposed maintenance costs for
the district are as follows:

| DESCRIPTION | OPERATIONS | FUND RESERVE | TOTAL |
|--------------------|--------------|-----------------|--------------|
| BEGINNING BALANCE | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| REVENUE: | | | |
| Assessments | \$ 79,022.00 | \$ 0.00 | \$ 79,022.00 |
| Interest | 0.00 | 1,000.00 | 1,000.00 |
| City Contribution: | 2,292.00 | 0.00 | 2,292.00 |
| TOTAL REVENUE | \$ 81,314.00 | \$ 1,000.00 | \$ 82,314.00 |

| | | | |
|----------------|--------------|-------------|--------------|
| TRANSFER: | (5,649.00) | 5,649.00 | 0.00 |
| EXPENSE: | | | |
| Personnel | \$ 5,351.00 | \$ 0.00 | \$ 5,351.00 |
| Contractual | 40,000.00 | 0.00 | 40,000.00 |
| Incidental | 16,634.00 | 0.00 | 16,634.00 |
| Utilities | 13,680.00 | 0.00 | 13,680.00 |
| TOTAL EXPENSE | \$ 75,665.00 | \$ 0.00 | \$ 75,665.00 |
| ENDING BALANCE | \$ 0.00 | \$ 6,649.00 | \$ 6,649.00 |

The proposed assessment for Fiscal Year 1999 is \$9.45 per equivalent benefit unit (EBU) indexed annually to the San Diego CPI-U. The district contains 8,367 equivalent benefit units (EBU's). The District boundary has been re-engineered to include a proposed annexation of parcels of land north of Genesee Avenue to the northern boundary of the Linda Vista Community Plan.

FILE LOCATION: STRT M-363-99

COUNCIL ACTION: (Tape location: A217-242.)

Hearing began at 11:21 a.m. and halted at 11:23 a.m.

MOTION BY STALLINGS TO ADOPT THE RESOLUTION TO CONFIRM THE ASSESSMENTS FOR THE LINDA VISTA ROAD LANDSCAPE MAINTENANCE DISTRICT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Matter of a Proposal to Expand the Existing Lodge at Torrey Pines in the University Community Planning Area.

(PG & GP, NCLCP, UCP, RZ, PCD, CDP, CUP-96-7358.
District-1.)

NOTE: The Council will have the option of accepting the City Manager's Recommendation in Subitem A OR the Applicant's request in Subitem B.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitem A(1) to certify EIR-96-7358 and Subitem A(2) to deny the project:

Subitem-A(1): (R-98-1104) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-96-7358 has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to taking action on the project.

Subitem-A(2): (R-98-) NOTED AND FILED

Adoption of a Resolution to DENY THE PROJECT.

Subitem A requires a majority vote of the City Council.

OR

APPLICANT'S REQUEST:

Adopt the resolutions in Subitems B(1) through B(4) and introduce the ordinance in Subitem B(5) for approval of the project.

Subitem-B(1): (R-98-1193) ADOPTED AS RESOLUTION R-290101

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-96-7358 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said report has been reviewed and considered by the Council; adopting appropriate findings of mitigation, feasibility and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B(2): (R-98-1105 Cor.Copy) ADOPTED AS
RESOLUTION R-290102

Adoption of a Resolution approving the amendments to the University Community Plan, Progress Guide and General Plan, and Local Coastal Program.

Subitem-B(3): (R-98-1106) ADOPTED AS RESOLUTION R-290103

Adoption of a Resolution approving the Statement of Findings to Override the Airport Land Use Commission's Determination of Inconsistency with the CLUP for the Lodge at Torrey Pines.

NOTE: Subitem B(3) requires a 2/3 vote of the City Council.

Subitem-B(4): (R-98-1432 Cor.Copy) GRANTED PERMIT,
ADOPTED AS
RESOLUTION R-290104

Adoption of a Resolution granting the Coastal Development Permit, Planned Commercial Development Permit, Conditional Use Permit CUP-96-7358 - Lodge at Torrey Pines.

Subitem-B(5): (O-98-117) INTRODUCED, TO BE ADOPTED
MAY 26, 1998

Introduction of an Ordinance rezoning the Lodge at Torrey Pines property from R1-5000 to CV.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve the staff's recommendation and deny the project; was opposition.

Ayes: White, Butler, Anderson and Steele
Nays: None
Abstaining: Watson
Not present: Quinn and Skorepa

The University Community Planning Group has recommended denial of the proposed project.

The San Diego Association of Local Governments, acting as the region's Airport Land Use Commission, determined after a public hearing that the Lodge at Torrey Pines Project was inconsistent with the NAS Miramar Comprehensive Land Use Plan.

SUPPORTING INFORMATION:

Approval of the proposal to expand the existing Lodge at Torrey Pines project would allow the Lodge at Torrey Pines to add 101 hotel rooms, 4,500 square-feet of meeting and banquet space, a new 3-story parking structure, and other associated site improvements. The Lodge at Torrey Pines is located at 11480 North Torrey Pines Road, within the University Community Planning Area. The project site is zoned R1-5000, and is located within the Airport Environs Overlay Zone. On March 27, 1998, the San Diego Association of Local Governments, acting as the region's Airport Land Use Commission, determined after a public hearing that the Lodge at Torrey Pines Project was inconsistent with the NAS Miramar Comprehensive Land Use Plan. Approval of this project by the City Council would require the adoption of findings by a 2/3 vote of the Council to overrule the Airport Land Use Commission and otherwise find the project consistent with the NAS Miramar Comprehensive Land Use Plan. The Lodge at Torrey Pines Project requires amendments to the

Progress Guide and General Plan, the North City Local Coastal Program, the University Community Plan, a Rezone (from R1-5000 to CV), a Planned Commercial Development Permit, a Coastal Development Permit, and a Conditional Use Permit Amendment. In addition, the proposed development will require certification of Environmental Impact Report LDR-96-7358 including adoption of Candidate Findings and Statement of Overriding Considerations. The project site is located within the Coastal Zone, therefore the City's decision requires amending the North City Local Coastal Program. The Local Coastal Program Amendment will not become effective until the California Coastal Commission unconditionally certifies the amendment. The final decision by the City of San Diego for the Coastal Development Permit is appealable to the Coastal Commission. Appeals to the Coastal Commission must be filed with the Coastal Commission at 3111 Camino Del Rio North, Suite 200, San Diego, CA 92018-1725. Phone (619) 521-8036. Appeals must be filed within 10 working days of the Coastal Commission receiving a notice of final action from the City.

ZONE DESCRIPTIONS: Below are brief descriptions of the current and proposed permitted uses of the above property. Full and complete information should be obtained by referring to the appropriate Municipal Code Sections.

R-1 Zone: Single-family dwellings, public parks and playgrounds, and temporary real estate offices in new subdivisions. Thirty-foot building height limit. Off-street parking requirement: 2 spaces.

CV Zone: Hotels, motels, and business establishments catering to visitor needs. Business offices, private clubs, and apartments are allowed above the ground floor. Minimum lot size of 5,000 sq. ft. Maximum FAR = 2.0; R-1500 density for residential use. Off-street parking: one space per 200 or 400 sq. ft. of lot area, depending on use.

LEGAL DESCRIPTION:

The project site is more particularly described as portions of Lots 1130 & 1131, Pueblo Lands of San Diego, Map-36.

CITY MANAGER SUPPORTING INFORMATION:

See City Manager Report P98-064.

FILE LOCATION: SUBITEM A(1) & A(2): PERM-96-7358(65)
 SUBITEM B(1), B(2), B(3), B(4):
 PERM 96-7358 (65)
 SUBITEM B(5): NONE

COUNCIL ACTION: (Tape location: A434-B403;C005-447.)

Hearing began at 11:36 a.m. and recessed at 12:17 p.m.

Hearing resumed at 2:16 p.m. and halted at 2:50 p.m.

Testimony in opposition by Major General Bob M. Magnus,
Colonel Dan Pender, Sally Spiess, George Lattimer, and Billy
Paul.

MOTION BY VARGAS TO APPROVE THIS PROJECT WITH CERTAIN
FINDINGS AND OVERRIDING CONSIDERATIONS STATED BELOW AND
LISTED IN ATTACHMENT NO. 6 OF THE CITY MANAGER'S REPORT NO.
P98-064:

TO OVERRIDE THE AIRPORT USE COMMISSION'S DETERMINATION
OF INCONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN
FOR THE LODGE AT TORREY PINES PROJECT. THE PROPOSED
PROJECT HAS MINIMIZED THE PUBLIC'S EXPOSURE TO
EXCESSIVE NOISE AND SAFETY HAZARDS TO THE EXTENT
POSSIBLE. THIS FINDING MAY BE MADE BECAUSE THE NEW
GUEST ROOMS WILL INCORPORATE FEATURES DESIGNED TO
ATTENUATE THE EXTERIOR NOISE TO AN ACCEPTABLE LEVEL OF
45 DECIBELS.

THE PROPOSED PROJECT IS CONSISTENT WITH THE PROTECTION OF THE PUBLIC HEALTH SAFETY AND WELFARE. THIS FINDING MAY BE MADE BECAUSE THE SIZE OF THE PROJECT IS RELATIVELY SMALL COMPARED TO THE AREA OF OPEN SPACE SURROUNDING IT AND ITS COVERAGE OF ONLY 26 PERCENT OF ITS SITE.

THE PROPOSED PROJECT WILL MEET THE PURPOSE AND INTENT OF SECTION 21670 OF THE PUBLIC UTILITIES CODE WHICH STATES: "IT IS THE PURPOSE OF THIS ARTICLE TO PROTECT PUBLIC HEALTH SAFETY AND WELFARE BY ENSURING THE ORDERLY EXPANSION OF AIRPORTS AND THE ADOPTION OF LAND USE MEASURES THAT MINIMIZE THE PUBLIC'S EXPOSURE TO EXCESSIVE NOISE AND SAFETY HAZARDS WITHIN AREAS AROUND PUBLIC AIRPORTS TO THE EXTENT THESE AREAS ARE NOT ALREADY DEVOTED TO INCOMPATIBLE USES." ALSO, THIS APZ II IS SIGNIFICANTLY FURTHER OUT FROM THE RUNWAYS THAN MOST.

INCLUDE THE FINDINGS AS STATED IN SUBITEMS B(1) THROUGH B(5); CERTIFY THE ENVIRONMENTAL IMPACT REPORT, ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE EIR; AND ADOPT FINDINGS TO OVERRIDE THE AIRPORT LAND USE COMMISSION'S DETERMINATION OF INCONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN. Second by Wear. Passed by the following vote: Mathis-nay, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1998-99.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-127) INTRODUCED, TO BE ADOPTED ON MAY 26, 1998

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1998-99.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A244-423.)

MOTION BY KEHOE TO INTRODUCE AND APPROVE THE SALARY ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

(Continued from the meeting of April 7, 1998, Item 333, at the City Manager's request, for further review.)

SUBJECT: Three actions related to Issuance of Housing Revenue Bonds for a Pool of Three Affordable Multifamily Housing Projects.

(See Housing Commission Report HCR-98-038. Districts-4 & 8.)

NOTE: Hearing open. No testimony taken on 4/7/98.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1049) ADOPTED AS RESOLUTION R-290097

Approving the issuance of bonds by the Housing Authority of the City of San Diego for Sunrise Village Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-B: (R-98-1050) ADOPTED AS RESOLUTION R-290098

Approving the issuance of bonds by the Housing Authority of the City of San Diego for Westwood Village Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-C: (R-98-1051) ADOPTED AS RESOLUTION R-290099

Approving the issuance of bonds by the Housing Authority of the City of San Diego for Holly Hills Village Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority Agenda of 5/12/98 for a companion item.

FILE LOCATION: SUBITEMS A, B, C: MEET

COUNCIL ACTION: (Tape location: A204-208.)

Hearing began at 11:20 a.m. and halted at 11:21 a.m.

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-98-1277) ADOPTED AS RESOLUTION R-290100

A Resolution adopted by the City Council in Closed Session
on May 12, 1998:

Authorizing the City Manager to pay the sum of \$76,257.15 in
the settlement of each and every claim against The City of
San Diego, it's agents and employees resulting from property
damage to Broadway JDS Inc., et al.; authorizing the City
Auditor to issue three checks; one check made payable to
Logan's Marketing in the amount of \$36,876.57; one check
made payable to Hartford Insurance in the amount of
\$24,757.52; and one check made payable to Luth & Turley,
Inc. in the amount of \$14,623.06 in full settlement of all
claims.

Aud. Cert. 9801225

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:26 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E654).